UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

CARMEN POWELL

Plaintiff,

vs.

CITY OF CHULA VISTA, et. al.,

Defendants.

Civil No. 07CV1836 JAH (JMA)

ORDER DENYING REQUEST FOR EXTENSION OF TIME TO FILE A SECOND AMENDED COMPLAINT [Doc. No. 58]

On July 8, 2008, plaintiff Carmen Powell ("Plaintiff"), who is appearing in this matter *pro se*, filed under seal a motion entitled "Request for Extension of Time to File a Second Amended Complaint." In her motion, Plaintiff makes three requests: (1) that this Court order a hearing to establish a time frame for the production of certain video tapes; (2) that this Court order the Chula Vista Police Department to return to her certain items that were removed from her home; and (3) that she be granted an extension of time to file a second amended complaint. For the reasons stated herein, all three requests are **DENIED**.

Plaintiff first requests that this Court issue an order to establish a time frame for production of certain video tapes. The San Diego County Superior Court ordered production of these video tapes based on a petition Plaintiff filed with the state court. Because the Superior Court ordered production of the video tapes, it is for the Superior Court to determine the time frame for their production. Accordingly, this Court DENIES Plaintiff's request.

Plaintiff next requests this Court to order the Chula Vista Police Department to return to her certain items that were removed from her home on the day of her arrest. Plaintiff also requests a statement of what they were looking for in her home on the day of her arrest. Plaintiff cites no authority for this request. Because Plaintiff has cited no authority in support of her request, Plaintiff's request is DENIED.

Finally, Plaintiff requests a 30 day extension of time to file a second amended complaint. However, there is no due date for a second amended complaint. Rather, if Plaintiff wishes to file a second amended complaint she should seek leave of the Court when she is prepared to file it. See Fed. R. Civ. P. 15(a)(2). Because there is no need for an extension, Plaintiff's request is DENIED.

Note, Defendant Julie Smith has filed a motion to dismiss Plaintiff's First Amended Complaint. See Doc. No. 52. The motion is scheduled to be heard on August 18, 2008. Accordingly, Plaintiff's opposition to the motion is due on **August 4, 2008**. If Plaintiff intends to request an extension of time to respond to Defendant's motion to dismiss, she should file her request prior to the August 4, 2008 due date.

DATED: July 21, 2008

JOHN A. HOUSTON
United States District Judge